

REMARKS

Upon entry of this amendment, independent claim 1 with dependent claims 2 and 3 will be present in the application.

Claim 1 has been amended to include some of the limitations of claims 7 and 8. Accordingly, the amendment does not introduce new matter. Claims 7-9 have been canceled and claims 10-30 have been withdrawn.

Claims 1-3 and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,735,388 (Brouwer). "It is axiomatic that for prior art to anticipate under § 102 it has to meet every element of the claimed invention." Transco Products Inc. v. Performance Contracting Inc., 23 USPQ2d 1691, 1694 (N.D. Ill. 1992), see also Hybritech Inc. v. Monoclonal Antibodies, Inc., 213 USPQ 81 (Fed. Cir. 1986) and Stoller v. Ford Motor Co., 18 USPQ2d 1545, 1547 (Fed. Cir. 1991). Claim 1 has been amended to recite that the grit particles each composed of an electrically conductive material selected from aluminum, aluminum alloy, zinc, zinc alloy, copper, brass, nickel, titanium, carbon steel, stainless steel, chrome, iron, cobalt, molybdenum, and chromium carbide. The Brouwer patent does not disclose the use of such electrically conductive materials as grit particles. Since the Brouwer patent does not disclose each and every element recited in claim 1, the rejection must be withdrawn.

MPEP § 706.02(j) states "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." See also MPEP §§ 2142 and 2143. The Brouwer reference is completely devoid of any teaching regarding grit composed of electrically conductive material. Further, there is nothing in the art that teaches or suggests that such material might be suitable for the use recited in claim 1. "There must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." Interconnect Planning Corp. v. Feil, 227 USPQ 543, 551 (Fed. Cir. 1985). Therefore, the subject claims may not be rejected under 35 U.S.C. § 103 as being obvious.

The various dependent claims add additional features to the independent claims, and are therefore believed to be allowable. Also, the dependent claims are believed

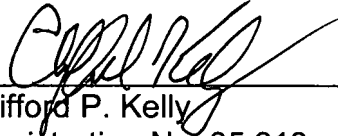
patentably distinct on their own merits as being directed to combinations not suggested by the references.

In view of the above-directed amendments and the proceeding remarks, prompt and favorable reconsideration is respectfully requested.

Respectfully submitted,

Chi Kong Leung et al

By


Clifford P. Kelly
Registration No. 35,213
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: June 27, 2007
750 Main Street
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: HKPC/380/US
CPK/io